IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7820 of 2007()

CRMP.3163/2007 of J.M.F.C.-I, PERINTHALMANNA
CRIME NO.814/07 OF PERINTHALMANNA POLICE STATION

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PETITIONER : 2ND ACCUSED;

LIYAKATH ALI, S/O.MOIDEENKUTTY,
PALEKKODAN HOUSE, NENMINI AMSOM, AKKAPARAMBA
DESOM, PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE PERINTHALMANNA, THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7820 of 2007

Dated this the 19th day of December, 2007

ORDER

Second application for regular bail. Petitioner is the 2nd accused. Altogether there are 2 accused persons. It is alleged that the accused persons had committed rape on a victim, a girl and a student of an orphanage, aged about 11 years. I have adverted to facts in detail in the earlier order dated 28.11.07 in B.A.No.7166 of 2007. This order must be read in continuation of the said order. I am not hence adverting to facts in any greater.

2. The learned Public Prosecutor continues to oppose the application. The offence reveals great depravity of the mind of the petitioner. The helpless 11 year child in an orphanage was allegedly raped. The offenders had offered amounts to her also as consideration for such sexual intercourse. The petitioner has remained in custody from 4.11.07. I find merit in the opposition by the learned Public Prosecutor. Considering the nature and gravity of the allegations and the stage of investigation, I am satisfied that the petitioner does not deserve to be enlarged on bail at this early stage.

3. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 01.01.08. The investigators shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-